

# Exhibit 10



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# A N A C T

For forming and regulating the Militia within this State, and for repealing all the laws heretofore made for that purpose.

Passed 24th  
June, 1786.

*WHEREAS it is the duty and interest of every State, to have the Militia thereof properly armed, trained, and in complete readineſs to defend againſt every violence or invaſion whatever : and whereas the laws now in force reſpecting the regulation of the Militia, are inſufficient for thoſe purpoſes :*

Preamble.

§ I. **B**E IT THEREFORE ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES, IN GENERAL-COURT CONVENED, and by the AUTHORITY of the ſame, That the ſeveral laws, clauſes and paragraphs of laws relative to regulating the militia, be and hereby are repealed, and declared null and void.

Repealing  
clauſe.

§ II. AND BE IT FURTHER ENACTED, by the AUTHORITY aforeſaid, That the training band, ſo called, ſhall conſiſt of all the able bodied male perſons within the State, from ſixteen years old to forty, excepting members of Congreſs, members of the Senate, and the Houſe of Representatives for the time being, Secretary of the State, all Civil Officers, Students of Colleges and Academies, Miniſters of the Goſpel, Elders and Deacons of Churches, Church Wardens, Grammar School Maſters, Maſters of Arts, people denominatèd Quakers, Selectmen for the time being, all commiſſioned Officers, and all non-commiſſioned Officers, of more than thirty-five years of age, who have ſerved as ſuch three years, ſhall not be compelled to ſerve in the training band, unleſs they have the offer of ſerving in the ſame, or a higher rank than they formerly held : alſo, all perſons employed as maſters of veſſels of more than thirty tons burthen, other than fiſhing veſſels, and veſſels coaſting to and from this to the other American States, Conſtables, Sheriffs, Deputy-Sheriffs, Negroes, Indians and Mulattoes : alſo, all ſuch Phyſicians, Surgeons, Ferry-men and Millers, as the Selectmen in the ſeveral towns where they reſide.

Training  
band.

Perſons ex-  
empted.

reside, may think proper to excuse, and furnish with a certificate that they ought to be excused from common and ordinary trainings.

Field-officers.

§ III. AND BE IT FURTHER ENACTED by the AUTHORITY aforesaid, That there shall be one colonel, one lieutenant-colonel, and two majors, to each regiment of foot ; which officers shall divide the regiments into companies, consisting as nearly as may be, of sixty-eight privates, and shall determine the rank of each company ; and that each company shall be commanded by a captain, two lieutenants, and an ensign ; the captains and subalterns shall appoint four sergeants, four corporals, one drummer, and one fifer, to each company, and shall, from time to time, direct and appoint one of their sergeants to act as clerk.

*And in order to prevent, as much as possible, the inconveniences which may arise, from incorporating the soldiers of different towns into one and the same company,*

Companies how to be formed.

§ IV. BE IT FURTHER ENACTED, That each town which can furnish thirty-two privates, and the proper number of commissioned and non-commissioned officers, shall be entitled to form one company ; such towns as have ninety-six privates, exclusive of necessary officers, shall form two companies of forty-eight privates each ; and when the numbers are increased to one hundred and eighty-four, they are to form two companies of sixty-eight, and one of forty-eight privates ; and so on from time to time, making sixty-eight the full proportion of privates for a company, and forty-eight the additional number for dividing it, and forming a new one. And in all towns which have several companies, if, after forming some companies of sixty-eight privates, there shall remain a surplus of less than forty-eight, they shall be divided among the other companies, as the field-officers shall think proper ; and if they amount to forty-eight privates, exclusive of the necessary number for officers, they shall be formed into a separate company : and where any town has less than thirty-two privates and a proper number for officers, they shall be joined to such other corps as the field-officers shall think proper, until they amount to that number, when they are all to be formed into a separate company ; and all able-bodied soldiers belonging to places not incorporated, are to be annexed to such companies as the field-officers shall direct ; and the field-officers of the  
respective

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respective regiments, shall have power, from time to time, to alter, divide, and arrange, the companies in their regiments, agreeable to the rules aforesaid.

§ V. AND BE IT FURTHER ENACTED by the AUTHORITY aforesaid, That all male persons from forty to sixty years of age, and capable of bearing arms, who are exempted by the first section of this Act, from common and ordinary trainings, and are not included in that part of the Militia called the training band, shall constitute an alarm list, (excepting only members of Congress, of the Senate and House of Representatives, Secretaries, Ministers of the Gospel, President, and Officers and Students of Colleges, Preceptors and Assistants of Academies, and their Students for the time being, people called Quakers having a certificate from the clerk of their societies, Ferry-men, Indians, Negroes and Mulattoes,) and shall, in all respects, be equipped with arms and accoutrements, as is by this Act directed for those of the training band : and those of the alarm list shall, by the respective brigadiers, be divided into companies, not to exceed ninety-six, nor less than thirty-two, in number : which companies so divided and formed, are to be commanded by a captain, holding the rank of colonel ; a lieutenant, holding the rank of lieutenant-colonel ; and an ensign, holding the rank of major ; and are to be elected by the major part of the alarm list present ; the brigadier, or such field-officer as he shall order, being present, and presiding at said election : and are to proceed to the choice of non-commissioned-officers in the same manner as companies in the training band ; each company is to be provided with one drummer and one fifer.

Alarm List.

Persons ex-  
empted.

§ VI. AND BE IT FURTHER ENACTED BY THE AUTHORITY AFORESAID, That the commanding-officer of each alarm company, shall, once in every six months, call his company together, and examine their arms and accoutrements ; and every deficiency of arms or accoutrements, neglect of duty, or disobedience of orders, in any of the persons who compose the alarm list, shall be punished in the same manner as by this Act is provided against those of the training band.

Alarm List to  
be mustered  
twice a year.

§ VII. AND BE IT FURTHER ENACTED BY THE AUTHORITY aforesaid, That every non-commissioned officer and soldier, both in the alarm list and training band, shall be provided, and have constantly in readiness, a good musquet, and a bayonet fitted thereto, with a

Equipage.

R

good

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Those unable  
— to be e-  
quipt at the  
expence of  
the town.

Penalty for  
embezzlem't

Selectmen to  
provide tools

good scabbard and belt, a worm, priming-wire and brush, a cartridge-box that will hold, at least, twenty-four rounds, six flints, and a pound of powder, forty leaden balls fitted to his gun, a knap-sack, a blanket, and a canteen that will hold one quart. Such of the training band as are under the care of parents, masters, or guardians, are to be furnished by them with such arms and accoutrements; and such of the training band, or alarm list, as shall be unable to furnish themselves, shall make application to the selectmen of the town, who are to certify to his captain, or commanding officer, that he is unable to equip himself; and the said selectmen shall, at the expence of the town, provide for, and furnish, such person with arms and equipments; which arms and equipments shall be the property of the town at whose expence they are provided: and if any person, so furnished, shall embezzle, or wilfully destroy, the same, he shall be punished by any court proper to try the same, upon complaint made by the selectmen of said town, by being publicly whipped, not exceeding twenty stripes: and the selectmen of each and every town shall provide one-twentieth part as many spades, or iron shovels, with handles, as there are rateable polls in said town; and an equal number of pickaxes, narrow axes, and hoes, one-third of each kind, and deposit the same in some safe place, for the use of the Militia, upon an alarm; the expence of which is to be borne by the town: and the selectmen of each town are to provide, at the cost and charge of said town, one drum and one fife, for the use of each company belonging to said town; and are hereby empowered to tax the polls and estates of the inhabitants of their respective towns, to defray the expences which they may be compelled, in consequence of this Act, to lay out.

Captains, &c  
to equip  
themselves.

§ VIII. AND BE IT FURTHER ENACTED, That all captains and subalterns be furnished with a half-pike, an esponton, or fusce and bayonet; and also with a sword, or hanger; and that they provide themselves with those arms, within one month after receiving their commissions, under penalty of being cashiered by sentence of a court-martial.

Train-Bands  
— By whom  
returns are to  
be made.

§ IX. AND BE IT FURTHER ENACTED BY THE AUTHORITY aforesaid, That the several captains, and commanding officers of companies, in the train bands, shall cause true and accurate returns, of their companies, to be made to the colonel, or officer commanding the regiment

regiment to which they belong, at or before the first day of *March*; and said colonel, or commanding officer, is to cause a proper return of his regiment to be made, to his brigadier, by the first day of *April*; and the brigadiers are to make a proper return of their brigades to the major-general, or officer commanding the division in which said brigade may fall, on, or before, the first day of *May*; and the said major-general, or commanding officer of the divisions, is to lodge a return of the whole Militia in this State, with the Secretary, on, or before, the first day of *June*: all which are to be made annually, that the General Assembly may, from time to time, be able to ascertain the military force of the State.

§ X. AND BE IT FURTHER ENACTED by the AUTHORITY aforesaid, That the Alarm companies shall make their returns to the brigadier within whose district they may fall, in the same manner as is directed for the train band; and captains of artillery, to make returns to the colonel or commanding-officer of the regiment by the first day of *May*, and to lodge a return in the Secretary's office by the first day of *June*, annually; all returns to give a state of the respective corps on the first day of *January* preceding the time limited for making such returns: and all companies or detachments of the train band and alarm list shall, in time of action, upon an alarm, or on a field day, receive their orders from the brigadier or officer commanding the brigade to which they are annexed.

Alarm—  
by whom re-  
turns are to  
be made.

§ XI. AND BE IT FURTHER ENACTED by the AUTHORITY aforesaid, That each captain or commanding officer of the train band, shall call his company together four times every year, to examine their arms and accoutrements, and to instruct them in the necessary exercises and manœuvres; and each colonel or commanding officer of a regiment shall call his regiment together once every year, if ordered by his superior officer, for the same purpose. And each captain or commanding officer of a company, who shall neglect to call his company together as aforesaid, shall, for each neglect, pay a fine of *three pounds*: and each colonel or commanding officer of a regiment, who shall neglect to call his regiment together once a year, as aforesaid, shall pay a fine of *ten pounds* for each offence.

Each compa-  
ny to be mus-  
tered 4 times  
a year.

Penalty.

§ XII. AND BE IT FURTHER ENACTED by the AUTHORITY aforesaid, That if any commanding officer shall neglect or refuse to call his  
regiment



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Penalty for  
not calling  
regiment to-  
gether.

regiment together, on any special occasion, at such time and place as his superior officer shall order, and be thereof convicted, by a court-martial appointed, as in this act is hereafter provided, he shall be cashiered; and if any officer, on a training or mustering day, refuse to obey the orders of his superior officer, he shall, upon being convicted thereof by a court-martial, be cashiered.

Notice.

§ XIII. AND BE IT FURTHER ENACTED by the AUTHORITY afore-said, That it shall be sufficient notice, for any non-commissioned officer or private to appear with his arms and accoutrements, as the commanding-officer shall direct, to be informed thereof by a non-commissioned officer, or by a notification left at his usual place of abode, which notification shall be signed by the clerk, or some commissioned officer; and if any private shall, after such notification, unnecessarily neglect to appear with his arms and accoutrements, he shall pay a fine of *three shillings*; and each non-commissioned officer, for such neglect or refusal, a fine of *six shillings*, for non-appearance, which is to be levied by distress and sale of such delinquent's goods and chattels by warrant under the hand and seal of the captain or commanding-officer of said company; and for want thereof, upon his body; and the clerk who is to levy the same, is to observe the same rules and regulations in making said distress, as the laws have pointed out for collecting rates and taxes, and shall have one quarter part of said fine for his trouble and customary fees: *Provided nevertheless*, That no such warrant shall be issued until fifteen days after the day of appearing, that the said delinquent may have time to make his excuse (if any he has) for his non-appearance, which is to be made to the commanding-officer of the company.

Parents, &c.  
liable to a  
Penalty.

§ XIV. AND BE IT FURTHER ENACTED, That parents, masters, and guardians, shall be liable for the neglect and non-appearance of such persons as are under their care, (and are liable by law to train) and are to be proceeded against for the penalty, in the same manner, as by this act is provided, against other delinquents.

Officers to  
yield obedi-  
ence.

§ XV. AND BE IT FURTHER ENACTED by the AUTHORITY afore-said, That on all training and muster days every officer shall yield due obedience to his superior officers; and every non-commissioned officer and soldier shall yield intire and due obedience to the commands and orders of their respective officers. And if any officer shall,



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shall, on such days, neglect or refuse to obey the orders he may receive from his superior officer, he shall be liable to be cashiered by sentence of a court-martial, and the superior officer may immediately put such delinquent in arrest, and report him and his offence to the brigadier, if the offender is under the rank of a field-officer : and the brigadier is hereby empowered to appoint a court-martial for such trial, and to approve the sentence ; which being done, the said officer shall be deemed incapable of ever holding any military post, or office, in this state. And in case the offender is of the rank of a field-officer, or of higher rank, his offence is to be reported to the major-general, who is hereby empowered to appoint a court-martial to try such offender, and to approve the sentence ; which being done, the offender shall be deemed incapable of ever holding any military office within this state. All courts-martial, appointed by the major-general, shall consist of thirteen members, the president of which is, at least, to be of equal rank with the officer who is to be tried. All courts-martial appointed by the brigadier, is to consist of seven commissioned officers, the president of which is to be of the rank of captain. The members of all courts-martial are to be sworn by the president, and the president is to be sworn by the member next in rank in the court-martial : and the president of every regiment, brigade, and general court-martial, shall have power to administer an oath to every witness, in order to the trial of offenders.

§ XVI. AND BE IT FURTHER ENACTED, That if any non-commissioned officer, or soldier, shall prove refractory, or disobedient, on a training or muster day, or shall insult or abuse his officers, or either of them, or treat them with disrespect or contempt, the commanding officer present may order the offender to be immediately tried, by five commissioned officers, if so many should be present, and if not, by so many as are on the field ; who are empowered to punish the offender, by ordering him to run the gantlet, or to ride the wooden horse.

Disobedience  
punished.

*And that no abuse of power may take place among the officers,*

§ XVII. BE IT FURTHER ENACTED, by the AUTHORITY aforesaid, That every officer, appointing a court-martial, shall appoint some suitable person to act as judge-advocate, who is to make a fair record of the whole proceedings, and the officer who appointed the  
S fame,

Judge-advocate  
to be appointed.

same, is to lodge a copy thereof in the Secretary's office, within one month after the trial, or as soon after as may be, that the members of the General Court may have opportunity to examine the same, and correct any abuse which may have taken place.

Officers, &c.  
to provide 3  
days' provi-  
sion.

§ XVIII. AND BE IT FURTHER ENACTED, That when the militia of any town in this State, or any part thereof, shall be drawn forth for immediate defence of this, or any of the United States, each officer or soldier, shall provide for himself, at least three days' allowance of provisions; and the selectmen of such town shall immediately cause carriages to attend them with further necessary provisions, and utensils to cook the same, and shall continue to forward to the quarter-master or assistant, in said regiment, sufficient supplies for the part of the militia from their respective towns, until they shall be notified by the commanding officer, or by the quarter-master, that the same can be otherwise supplied. And the selectmen are directed to lay their accounts of provisions supplied by them, as also of utensils lost or damaged, and of cost of transporting the same, before the General Court, for allowance; and to produce receipts from the quarter-master or his assistant, for such part thereof as shall be delivered to them respectively.

Stock of  
powder to be  
kept.

§ XIX. AND BE IT FURTHER ENACTED by the AUTHORITY aforesaid, That there shall be a stock of powder, and other ammunition, in each town provided, and constantly kept, which shall be, one barrel of gun-powder containing a hundred pounds weight, three hundred pounds of leaden balls of different sizes, and buck shot, and three hundred flints, for every sixty soldiers, and the same proportion for every greater or lesser number. And the selectmen of each town are hereby impowered to raise money, by tax, on the polls and estates of their towns, for the purpose aforesaid, in the same manner as other town charges are assessed; and are to pursue the same rules for collecting the same, as are pursued in collecting other taxes.

Military  
Watches.

§ XX. AND BE IT FURTHER ENACTED, That officers commanding divisions, brigades, or regiments, may appoint military watches, or guards, when an invasion of the State is apprehended, in such place, and under such regulations, as they may judge necessary; and all officers and soldiers, under their command, are to yield strict obedience to their orders and directions.

*And*

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*And whereas there may be frequent occasion, upon an invasion of this, or any of the United States, to draught men to serve against the enemy:*

§ XXI. BE IT THEREFORE ENACTED by the AUTHORITY aforesaid, That when it shall happen, that there be an immediate call for a number of soldiers to serve in such war, and a sufficient number not appearing, by voluntary enlistment, for that purpose, it shall and may be lawful for the officers commanding regiments, on receiving orders from their brigadiers, to issue warrants to the captains of the several companies, to call the same together as soon as convenient, and to draught such a proportion thereof as shall be specified in their respective warrants, unless a sufficient number shall then appear by voluntary enlistment. And the commanding officers of alarm companies are, upon receiving orders from their brigadiers, to proceed to draught, in like manner, such number of able bodied men as the brigadier shall direct. The number of men to be draughted shall be apportioned by the major-general to the several brigades, and by the brigadiers to the several regiments and alarm companies in their respective brigades, and by the commanding officer of each regiment to the several companies which compose it.

Captain to  
draught men

§ XXII. AND BE IT FURTHER ENACTED, That when any person draughted to serve, as aforesaid, shall refuse or neglect to make a reasonable excuse, to the acceptance of the majority of the officers of the company to which he belongs, or to pay into the hands of the officer by whom he is so draughted, the sum of *forty shillings*, (to be paid to the selectmen for the purpose of hiring soldiers) he shall be held and taken to be a soldier in the service for which he was so draughted. And if any soldier shall neglect or refuse to march, when ordered thereto, according to the mode prescribed in this Act, unless he produces a discharge from his commanding officer, or provides some able bodied man in his stead, to the acceptance of the officer by whom he was so draughted, it shall and may be lawful for such officer, and he is hereby required, to confine said delinquent, and send him to some officer appointed to act in the service for which this delinquent was draughted.

Penalty for  
not serving.

§ XXIII. AND BE IT FURTHER ENACTED BY THE AUTHORITY aforesaid, That, in the absence of the major-general, the next commanding officer shall make the appointment of men to be draughted; and

In absence of  
M. Gen. the  
next in com-  
m'd to make  
appointment

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and in cases of emergency, it may be done by the President and Council, in the recess of the General-Court; and that, in all cases where the Act requires any duty from an officer, the next in command (in case of the death or absence of his superior or superiors) is to perform the same.

Signals to be fixed.

§ XXIV. AND BE IT FURTHER ENACTED by the AUTHORITY aforesaid, That the signals for an alarm, are to be fixed by the captain-general, and may, by him, be altered from time to time, and proper notice thereof is to be by him given to the several officers; and if any non-commissioned officer or soldier shall, upon the alarm being given, unnecessarily neglect to appear properly armed and equipped, at such time and place as the commanding-officer shall appoint, the said delinquent being either of the training-band or alarm-list, shall pay a fine of *forty shillings*; and every soldier ordered to do duty on a guard, or military watch, who shall neglect, or refuse the same, shall pay a fine of *six shillings*; and all persons serving on said guards or military watches, shall be punishable for misconduct while in such service, by a court-martial to be appointed by the commanding-officer of such guard, provided he be a field-officer, and in case he is not, then by the commanding officer of the regiment to which he belongs, and the commanding-officer of the watch, or guard, may confine him for trial; provided nevertheless, that the punishment inflicted by sentence of the court-martial, shall not exceed running the gantlet, or riding the wooden horse.

Penalty for refusing to warn, &c.

§ XXV. AND BE IT FURTHER ENACTED by the AUTHORITY aforesaid, That when any non-commissioned officer shall refuse or neglect, to notify or warn any of the non-commissioned officers or private soldiers of the company to which he belongs (being thereto ordered by his superior officer) he shall pay a fine of *twelve shillings*.

Mode of recovering fines.

§ XXVI. AND BE IT FURTHER ENACTED by the AUTHORITY aforesaid, That every fine and forfeiture arising by breach of any article or clause of this Act, for which no special mode of recovery has been pointed out, may be recovered by action, bill, plaint, or information, in any court of record. All fines and forfeitures when recovered, shall be paid into the hands of the selectmen or treasurer of the

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the town, where such offender hath his usual place of abode, for hiring soldiers for the war, and purchasing drums, fifes, and other military equipments.

§ XXVII. AND BE IT FURTHER ENACTED by the AUTHORITY aforesaid, That in case of an actual invasion of this State, the whole of the militia thereof, that may be ordered out to oppose the enemy, shall, from the time of their marching for that purpose, be under the rules and regulations of the late Continental army; subject, however, to such orders and commands as may be given them from the Legislature of this State. And the officer commanding the same, shall be amenable to, and triable by, the Legislature of this State, or by such court as they may appoint, for all neglects of duty, and for all crimes and misdemeanors, committed by him when acting within the State; as also in any other of the United States, unless he shall be annexed to an army commanded by a superior Continental general, who may have sufficient authority to try and punish the same; and in case the militia of this State, or any part thereof, shall be, at any time, ordered out to assist in defence of any other of the United States, the said militia shall be subject, from the time of marching to the time of return, to the rules and regulations of the late Continental army.

Militia to be under the rules of the late Continental army.

*And that no failure may happen in any court-martial appointed by virtue of this Act,*

§ XXVIII. BE IT FURTHER ENACTED, That all persons called to give evidence, in any case, before such court, who shall refuse to appear, or appearing, shall refuse to give evidence, shall be committed to the common gaol of the county where such court is sitting, there to remain six months, unless sooner released therefrom by the justices of the superior court; and the president is to lodge the accusation against him with the prison keeper. The oath to be administered to witnesses, in court-martial, is to be in the following form, viz.

*YOU swear, the evidence you shall give, in the case now in bearing, shall be the truth, the whole truth, and nothing but the truth.*

*So help you GOD.*

The oath administered to members of the court-martial, previous to trial, is to be in the following form, viz.

T

YOU

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## APPROPRIATION OF CERTAIN SUMS GRANTED.

*YOU swear, that you will well and truly try, and impartially determine, the cause of the prisoner now to be tried, according to the rules for regulating the militia of this State. So help you GOD.*

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# A N A C T

For appropriating certain Monies, arising by Acts  
of this State

*W H E R E A S there is no appropriation of certain sums granted by Acts of this State, for payment of the Continental debt, and for supporting the civil government of this State*

Therefore,

§ 1. **B**E IT ENACTED, That all monies arising by any Acts or laws of this State, for duties, or imports and exports, and for levying duties on tonnage, poundage, and for raising powder and light money, be paid by the respective officers collecting the same, into the Treasury of this State; and that all monies paid into the Treasury, by virtue of an Act passed the twenty-eighth day of February, one thousand seven hundred and eighty-six, entitled, "An Act for supplying the Treasury of this State, with *ten thousand five hundred pounds*, for the purpose of discharging the specie part of a requisition of Congress of the twenty-seventh of September last, said to be this State's quota of the interest of the foreign debt of the United States, be paid by the Treasurer to the Continental Loan-officer within this State, from time to time, as the same may be collected, the said Treasurer taking a receipt or receipts for the same.

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An